

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

Cr. 21-cr-217 (TFH)

ANNIE HOWELL

SENTENCING MEMORANDUM FOR ANNIE HOWELL

We respectfully request the Court follow the Recommendation of the Office of United States Probation and place Ms. Howell on a period of Supervised Probation. In support of this request we state as follows:

It is the Mission of United States Probation to assist the federal court in the fair administration of justice. To protect the community. To bring about long-term positive change in individuals under supervision;

It is the role of the Office of United States Probation to gather and verify information about persons who come before the courts. To prepare reports that the courts rely on to make release and sentencing decisions.

The Sentencing recommendation of Probation Officer Reichler states in relevant part:

Regarding just punishment, the recommended term of 36 months' probation (3 years) is sufficient to address the goals of sentencing and is recommended in light of the nature of the circumstances of the offense.

We urge the Court to accept this recommendation. It is clear from Ms. Howell's heartfelt and moving letter to the Court that as an individual who

has already committed to long term positive changes he is an excellent candidate for probation.

Ms. Howell was arrested almost one year ago, on March 8, 2021. She had begun her journey to awareness shortly after the insurrection on January 6th 2021. Immediately she was appointed counsel at her presentment in the United States District Court on March 17, 2021 she requested the opportunity to meet with the F.B.I. . This request was communicated to the government. The debriefing was delayed for several months until October 13, 2021. From March 2021 until today, Your Honor, Ms. Howell has remained committed to long term positive change.

When I first met Ms. Howell I was impressed by her intelligence and her passion. She acknowledged immediately she had gravely errored, by going to Washington in January 2021. She wished to meet with the government and tell them everything she knew about what she understood led up to January 6th in Eastern Pennsylvania. What she knew about the 2020 election and the conduct of the Eastern Pennsylvania Republican Party both before and after the election. When she met with the F.B.I. in October 13, 2021 the agent requested very limited information.

When the House Committee investigating January 6th contacted her through counsel, she agreed to meet with them. Though I have received multiple interview requests, Ms. Howell is the only individual who I represent who has met with the investigators for the House Committee. She has met with the investigators of four occasions beginning October 29, 2021 and ending January 14, 2022. She was questioned by Investigator Marcus Childress and four other attorneys for the Committee. No benefits or promises were offered. The interviews are voluntary. The information she

provided was investigated, verified and found to be valuable. Her final interview was recorded. The purpose of the interviews, according to the Committee are to learn what actors promoted and fostered the insurrection and to figure out what, if anything, could be done proactively to support our fragile democracy and to prevent future insurgency.

Annie Howell began her "probation" upon her release to the supervision of Pre Trial Services in March 2021. She has been totally compliant with her Conditions of Release. She decided to begin public "community" service by working as a volunteer at the local Veterans' Hospital and at the Salvation Army of her own volition. She has removed herself from local politics and has registered as an Independent in Pennsylvania.

We agree that the events of January 6th, 2021 were extraordinary and terrifying. Reviewing both the Statement of Facts and the PSR at ¶¶19-30 Ms. Howell travelled to Washington, D.C. with a group and during travel participated in a group chat. On January 6th, 2021 she attended the Stop the Steal Rally. At the Capitol she joined in chants. None of these chants urged violence or destruction. She entered the Capitol at 4:50. Inside she committed no theft. No destruction of property. No act of violence. Nor did she incite anyone else to commit acts of violence, destruction of property or theft. She left the Capitol peaceably and later posted to social media information she now knows to be both distorted and incorrect. She accepted full responsibility for her conduct.

Ms. Howell plead guilty to Entering and Remaining in a Restricted Building or Grounds in violation of 18 U.S.C§ 1752(a)(1) at the earliest possible time. We agree with the USSG Offense Level Computation. We

agree Ms. Howell has no criminal history points. Further, we agree with the recommendation of U.S. Probation for a Sentence of Probation.

Based upon the history and characteristics of Ms. Howell, the extraordinary circumstances on January 6th, 2021, the fact the offense conduct was aberrant conduct and evidence of her remedial actions since that time, probation is a deterrent and reminder of her civic responsibility. She neither requires nor merits a punitive sentence to deter future criminal conduct.

Considering the Sentencing factors of 18 USC § 3553 a Sentence of Probation with \$500.00 restitution is sufficient, but not greater than necessary, to comply with 18 USC §3553.

Her remorse is real and her interest in justice for the events of January 6th, 2021 is genuine. On July 27, 2021 at 10:15 AM I received an e-mail from Ms. Howell telling me she was watching the January 6th Committee Hearings. I was drafting a pleading. I stopped working and tuned in on my computer. I sobbed again as I watched MPD Officers Hargrove and Fanone testify.

At 11:06 I received this letter from Annie Howell.

July 27th 2021

CBS NEWS, Special Report, US Capitol Hearing and Testimonies from 4 police officers.

This morning, after my regular routine and then checking in with my pre-trial supervisor, I decided I should tune in for the hearing to listen to the testimonies from

the 4 Capitol and Metro Police Department regarding the events that took place on January 6th.

Footage was shown at the very beginning. A man, warned: the videos and sounds heard in these clips may be graphic and disturbing. After watching the videos that had not been released until today, I can honestly say that January 6th was the saddest day in the history of our country. Being that I did not enter the main part of the Capitol, and was so emotionally and mentally affected by this day, I never knew what transpired inside nor was I aware of it at the time on the steps of the Capitol. The violence and brutality I witnessed was shocking.

I am a single mother and never even should have been there. After re-educating myself and abiding by the terms of my pre-trial and advice of my attorney, I have learned so much and have grown to regret my actions that day even more so.

This was the first time I was able to turn on, acknowledge or watch the events that occurred that day. The amount of racism, bigotry and words and actions that took place that day are inexcusable and should never happen again. Ever.

Not only am I ashamed to have taken part, I now also realize the amount of fear, anxiety, danger and threats the police officers, congressional leaders and other members of the government faced that day. Because I was not violent, I assumed the same of everyone else during the time. This hearing has humbled me dramatically.

George Santayana once said, "Those who cannot remember the past are condemned to repeat it." Please trust that I now know how truly powerful that quote truly is.

Truly yours,
Annie C. Howell

My motivation in watching was to learn what else had occurred that day that I did not personally witness. I was ignorant to many things, even though I was present.

As a species we are capable of deeds of great kindness as well as acts of horror. Human beings are not born evil. Nor are they born in perfect grace. But human beings have the capacity to educate themselves. And

human beings have the power within to change themselves. If they so choose.

Annie Howell became a different woman after she returned to Pennsylvania and had the opportunity to examine what she had seen and done on January 6th, 2021. After the Capitol riot, she believed she had viewed the world through a distorted lens. She sought Medical help for her anxiety. She is now in treatment and on medication. She has removed herself from politics. Social media. Toxic individuals. She has begun to read history. [The Nation by Colin Woodard]. Political science. [Mindf*ck by Wiley]. [March by John Lewis]. Criminal Justice [Just Mercy by Bryan Stevenson] Historic Fiction [Bury my Heart at Wounded Knee].

On April 6th 2021 she sent me her report on Bury My Heart at Wounded Knee

BURY MY HEART AT WOUNDED KNEE BOOK REPORT - BY ANNIE HOWELL

Bury My Heart at Wounded Knee is an accurate and historical account and portrayal of the annihilation of the American Indians during the 19th century. This book brings awareness and places the issues of oppression, genocide, bigotry and systematic racism front and center. The events that transpired during this era of documented history may be the most prolific and significant events in modern history. It is difficult to imagine how some readers, particularly those who are American citizens, would not have their opinion or personal perspective altered by the history of the events described within. Genocide, the displacement of native Americans and the ruthlessness shown by the white settlers is still haunting and bothersome even 100 plus years later. It is a story of torture, evil and a painful reminder of America's dark past. Few Americans would be proud after reading this book after realizing the pain, trauma and horrific events the Native Americans were forced to endure.

When the settlers realized they could not co-exist with the native Americans, they were left with two choices: segregation or elimination. Wars grew as the natives continued to refuse to surrender their land. In the end, the natives were systemically defeated.

Of the chapters, the most moving chapter was "The Flight of the Nez Percés." Despite being helpful, kind and honest, the native people were still driven from their land. The pages within this book have forced me to look at the dark side of history and helped me realize the lengths white men went to fulfill their own destiny. They killed to kill. They killed for wealth. They killed for land. They killed for food. Some killed for no reason at all. Native Americans were mutilated, raped, and killed regardless of gender, age or tribe. This kind of shocking behavior gave me a horrifying view of the birth of this nation which would eventually become the most powerful republic in the entire world.

For nearly a century, our view of the Native Americans who originally inhabited this land was significantly influenced and based on what the white man's government told them. *Bury My Heart* took me back as the reader to a time when there was rising conflict between two vastly different groups of people. It made me realize that the same systematic racism that existed back then is still raging in America today. This book has dramatically changed my outlook and view on the world and our country. It has made me realize that while the times are different, the issues are not and we must work together to defeat the systematic and racist evil that still exists and lurks within our society today.

On June 4th she sent her report on *Just Mercy*

JUST MERCY - BOOK REPORT BY ANNIE HOWELL

This story is *extremely* important. Each and every American should read this book collectively to reexamine our values, priorities and educate ourselves about the racial injustices that have occurred and plagued society and humanity for centuries.

In the book, "Just Mercy", Bryan Stevenson fights against bigotry, injustice and racism. Mr. Stevenson represents African Americans who are on death row. The amount of African Americans compared to other ethnicities is absolutely overwhelming.

Bryan Stevenson shares the compelling story within this book of how he started an initiative called the "Equal Justice Initiative". The main purpose of this is to make many commitments to fight against inequality. "The Equal Justice Initiative is committed to ending mass incarceration and excessive punishment in the United States, to challenging

racial and economic injustice, and to protecting basic human rights for the most vulnerable people in American society". - an excerpt from "Just Mercy".

The author writes: "presumptions of guilt, poverty, racial bias, and a host of other social, structural, and political dynamics have created a system that is defined by error, a system in which thousands of innocent people now suffer in prison." The stories in this book made me want to celebrate those individuals who were able to successfully make it off death row when the evidence was lacking. In some cases, there was no evidence even tying the accused to the scene of the crime. They were arrested, jailed, tried and convicted simply based on the color of their skin.

I have learned a lot from reading this book. One of those things was this: Punishing the broken only ensures that they, (we) remain broken. I will always remember what my sixth grade teacher taught me: "Integrity is behaving the same way, whether someone is watching you or not." This book has taught me that the true measure of our character is how we behave and how we treat the condemned, the accused, the poor, the jailed, and the broken, especially when no one is watching.

This book, in particular; has really opened my eyes. We need to find ways to embrace these challenges and end the suffering of injustice and inequality. I believe that aside from empathy, compassion and understanding that basic human dignity must be respected by all of humanity in order to achieve true justice and true equality

On July 4th she sent me her book report for March.

'MARCH' Book Report by Annie Howell

"March" is a first-hand account of John Lewis' lifelong battle and struggle for human and civil rights. This story, I feel, reflects on some of the lows and highs many experienced during the Civil Rights Movement. It recaptures the incredible and painful journey of a time in history when segregation ran rampant and moral injustice prevailed. It is graphic in nature as it reveals the violence that occurred against African Americans who were forcefully segregated; especially in the south.

I cried while reading this book. When the marchers did not turn around as ordered, the state troopers attacked and tear-gassed them. John Lewis was among the marchers that did not turn. This story depicts the true account of Lewis' life and many others who suffered from institutional racism. Lewis reveals the stories of moral injustice, protests, tear gas, and pain and suffering. "Separate but Equal" was ruled in court during the 1960's. Everyone expects to see changes. Lewis then applies to a college that has been

white, for its entire existence. The school does not respond. The changes take many years to come.

Martin Luther King, Jr., and many other civil rights leaders, offer to help Lewis sue the state of Alabama for admission to the college. They promise to even raise the money for the lawsuit. Unfortunately, Lewis's family refuses to support him. I believe this decision was driven by fear. Later on, Lewis joins a group of protestors, as a college student who began a program forcing department stores to serve African Americans. They are threatened, beaten, and arrested continuously but they keep working their program. Eventually, they even get support from regular businesses in the community. Lewis and the group of protestors never give up.

Lewis, heroically went on to become a member of Congress, a US Representative of Georgia. I learned there are two additional books after reading the first. I have taken time out to read the additional books. He teaches us to never give up and should be regarded as one of the most influential people regarding Civil Rights.

On July 9, 2021 I received this note in support of Ms.Howell.

Honorable Judge Hogan

Dear Judge Hogan,

My name is Donald Shepherd and I reside in Forty Fort Pa. I am a United States Coast Guard Licensed

Merchant Marine Barge Captain. I am writing you today in regards to Annie Howell of Swoyersville Pa.

I have known Annie for quite a while. I came to realize early on what kind of person she is. A mother to a young son that means everything to her, doing the best she can to raise him in a very difficult time with the pandemic this past year. Often working several jobs to make ends meet without the court ordered support from her ex-spouse.

As with many of the rally supporters at the capital she got caught up in it. This horrible day changed her life as it did many others. She has taken steps to insure that this never happens to her again.

Annie deserves the opportunity to raise her son and guide him down the right path to become a productive citizen.

Thank you for taking the time out of your very busy day to read this.

Sincerely,

Donald Shepherd

Barge Captain
USCG Merchant Marine

On August 31, 2021 I received this note from her father.

Sent: Tue, Aug 31, 2021 10:52 pm

Subject: Character statement

Honorable Judge Hogan Thank you for taking the time to read my letter. I am Annie's father . I love my daughter and know she is a good person . She has worked real hard doing everything asked of her by the court. Talking to her on a daily basis she truly is sorry for entering the Capital. She loves this Country and didn't attend this protest knowing this would happen . My daughter is a good mother to my grandson and I pray that the court would take this into consideration. We all love Annie. She realizes what she did was wrong and we are all sad this happened. The young sometimes make bad decisions and I hope you can find a way to spare my daughter from going to jail . I would miss her and her Son would be devastated.

Thank you

Matthew N Höwell

Nothing I write, nothing I say, is as meaningful as Annie Howell's attached letter to you, your honor. In order to give her focus as she drafted her letter to the Court she chose to re watch the July 27th , 2021 testimony of the four law officers who were injured on January 6th, 2021 Annie Howell is a woman who has shown extraordinary remorse and a great willingness to educate herself and to change her thinking. She has made herself available to the House Committee investigating January 6th 2021 to atone for her own participation in the insurrection in hopes she can help to prevent another riot.

I urge the Court to rely on the recommendation of the Office of U.S. Probation and to sentence Ms. Howell to Two Years of Supervised

Probation. She had a difficult childhood. She had a difficult adolescence. She has suffered domestic violence as a young mother. She has tried to be a good parent and a good citizen. She was misinformed and misdirected from the summer of 2020 through January 6th 2021. She realized her grave mistake and sought medical help for her flawed decision making and her resulting misconduct. She has worked to study, to learn and to educate herself about our beautiful but imperfect democracy.

As a deep act of atonement she met with the FBI once and with the House Committee investigating January 6th four times. She has studied. She has prayed. She has tried to teach her son what must be done to become a good human being and an involved, virtuous citizen. She is an amazing woman. Through great difficulties she has persevered. She has been working to transform herself since January 7th 2021.

Respectfully submitted,

_____/s_____
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